

1 [counsel listed on signature page]  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WA (DMR)

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND TIME FOR  
DEPOSITIONS OF TIMOTHY  
BRAY AND JOHN RIZZO**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William Alsup

## STIPULATION

WHEREAS, the Court's order of November 14, 2011 (Dkt. No. 617) required that Oracle designate three interviewees for deposition, and that those three depositions be completed by November 22, 2011; and

WHEREAS, on November 15, 2011, Oracle informed Google that it wanted to take the depositions of Timothy Bray, John Rizzo, and Dan Bornstein; and

WHEREAS, on November 16, 2011, Google offered Mr. Bornstein for deposition on Monday, November 21, 2011; and

WHEREAS, on November 17, 2011, Oracle accepted that offer and agreed to take Mr. Bornstein's deposition on November 21, 2011; and

WHEREAS, prior to the Court's November 14, 2011 order, the parties had scheduled the interviews of Google employee Timothy Bray and third party John Rizzo for November 30, 2011; and

WHEREAS, Mr. Bray is currently traveling in Asia and will not be returning to the United States until after the Court's deadline of November 22, 2011; and

WHEREAS, because Mr. Rizzo is not a Google employee, his day-to-day availability for proceedings in this case is not subject to Google's control, but Mr. Rizzo had voluntarily agreed to accept service of a deposition subpoena and sit for deposition on November 30, 2011, and Oracle had issued a deposition subpoena to Mr. Rizzo for that date; and

WHEREAS, accordingly, on November 16, 2011, Google proposed to Oracle that, subject to Court approval, the depositions of Mr. Bray and Mr. Rizzo should take place on the previously agreed date of November 30, 2011; and

WHEREAS, on November 17, 2011, Oracle agreed to accommodate Mr. Bray's and Mr. Rizzo's schedules by deposing those witnesses on November 30, 2011; and

WHEREAS, the parties acknowledge and agree that a limited extension of time to depose Mr. Bray and Mr. Rizzo will not affect, delay, or push back any other deadlines in this case or cause any prejudice to either Google or Oracle.

1

2 **NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:**

3

4 1. The deadline for completing the depositions of Timothy Bray and John Rizzo  
should be extended from November 22, 2011 to November 30, 2011.

5

6 2. No other deadlines in this case will be affected by the foregoing extension. The  
parties will not use this extension to argue for a delay of any other deadlines in this case.

7

8 **[PROPOSED] ORDER**

9

10 The foregoing stipulation is approved, and IT IS SO ORDERED.

11

12 Date: November 18, 2011.

13

14

15

16

17

18

19

20

21

22

23

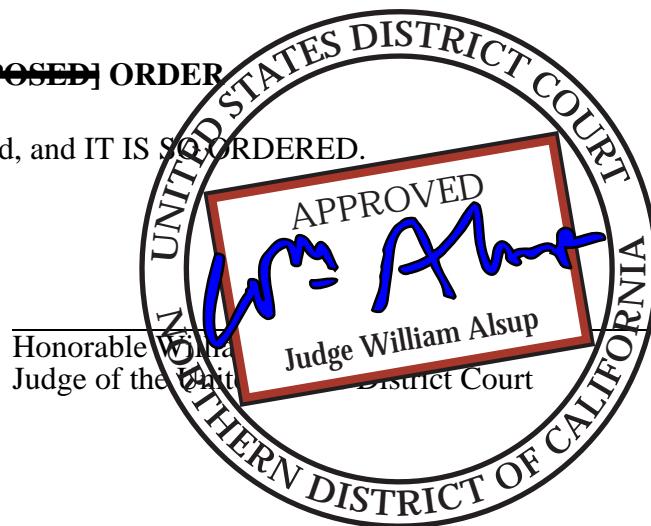
24

25

26

27

28



1  
2 Dated: November 17, 2011

BOIES, SCHILLER & FLEXNER LLP

3 By: /s/ Steven C. Holtzman  
4

5 DAVID BOIES (Admitted *Pro Hac Vice*)  
6 dboies@bsflp.com  
333 Main Street  
7 Armonk, NY 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300  
8 STEVEN C. HOLTZMAN (Bar No. 144177)  
sholtzman@bsflp.com  
9 FRED NORTON (Bar No. 224725)  
fnorton@bsflp.com  
10 1999 Harrison St., Suite 900  
Oakland, CA 94612  
Telephone: (510) 874-1000  
Facsimile: (510) 874-1460  
11 ALANNA RUTHERFORD (Admitted *Pro Hac Vice*)  
12 575 Lexington Avenue, 7th Floor, New York, NY 10022  
Telephone: (212) 446-2300  
Facsimile: (212) 446-2350  
13  
14

15 MORRISON & FOERSTER LLP  
16 MICHAEL A. JACOBS (Bar No. 111664)  
mjacobs@mofo.com  
17 MARC DAVID PETERS (Bar No. 211725)  
mdpeters@mofo.com  
18 DANIEL P. MUINO (Bar No. 209624)  
dmuino@mofo.com  
755 Page Mill Road  
19 Palo Alto, CA 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792  
20  
21

ORACLE CORPORATION  
DORIAN DALEY (Bar No. 129049)  
dorian.daley@oracle.com  
DEBORAH K. MILLER (Bar No. 95527)  
deborah.miller@oracle.com  
MATTHEW M. SARBORARIA (Bar No. 211600)  
matthew.sarboraria@oracle.com  
500 Oracle Parkway  
25 Redwood City, CA 94065  
Telephone: (650) 506-5200  
Facsimile: (650) 506-7114  
26  
27

28 *Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

1  
2 Dated: November 17, 2011

KEKER & VAN NEST LLP

3 By: /s/ Daniel Purcell  
4

5 KEKER & VAN NEST LLP  
6 ROBERT A. VAN NEST (SBN 84065)  
7 rvannest@kvn.com  
8 CHRISTA M. ANDERSON (SBN 184325)  
9 canderson@kvn.com  
10 DANIEL PURCELL (SBN 191424)  
dpurcell@kvn.com  
633 Battery Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

11 KING & SPALDING LLP  
12 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)  
sweingaertner@kslaw.com  
13 ROBERT F. PERRY  
rperry@kslaw.com  
14 BRUCE W. BABER (*Pro Hac Vice*)  
bbaber@kslaw.com  
15 1185 Avenue of the Americas  
New York, NY 10036-4003  
16 Telephone: (212) 556-2100  
Facsimile: (212) 556-2222

17 KING & SPALDING LLP  
18 DONALD F. ZIMMER, JR. (SBN 112279)  
fzimmer@kslaw.com  
19 CHERYL A. SABNIS (SBN 224323)  
csabnis@kslaw.com  
101 Second Street - Suite 2300  
20 San Francisco, CA 94105  
Telephone: (415) 318-1200  
21 Facsimile: (415) 318-1300

22 GREENBERG TRAURIG, LLP  
23 IAN C. BALLON (SBN 141819)  
ballon@gtlaw.com  
24 HEATHER MEEKER (SBN 172148)  
meekerh@gtlaw.com  
1900 University Avenue  
25 East Palo Alto, CA 94303  
Telephone: (650) 328-8500  
26 Facsimile: (650) 328-8508

27 *Attorneys for Defendant*  
28 GOOGLE INC.

1

2 **ATTESTATION**

3

4

5

6

I, Daniel Purcell, am the ECF User whose ID and password are being used to file this  
STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR DEPOSITIONS OF  
TIMOTHY BRAY AND JOHN RIZZO. In compliance with General Order 45, X.B., I hereby  
attest that Steven C. Holtzman has concurred in this filing.

7

8

Date: November 17, 2011

*/s/ Daniel Purcell*

DANIEL PURCELL

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28